

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17057-AG18-1211-177

IN THE MATTER OF:)
)
David Kevin Lewis)
9337 Woods Lake Drive)
Indianapolis, IN 46278)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 703154)

FILED

SEP 19 2019

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On July 31, 2019, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to his address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:


IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. That the refusal to renew Respondent's resident producer be AFFIRMED.

1. The refusal to renew Respondent's resident producer license is AFFIRMED.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 19 day of September 2019.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

David K. Lewis
9337 Woods Lake Drive
Indianapolis, IN 46278

Erica J. Dobbs, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17057-AG18-1211-177

IN THE MATTER OF:)

David Kevin Lewis)
9337 Woods Lake Drive)
Indianapolis, IN 46278)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 703154)

FILED

MAY 20 2019

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF NEW HEARING

This matter came on for evidentiary hearing May 8, 2019 at 10:00a.m. Respondent appeared, in person, and without counsel. The Department appeared by counsel, Erica J. Dobbs. Respondent requested a continuance on the grounds that he had not received discovery. The Department objected, arguing discovery was sent to Respondent, via email, on February 26, 2019 and March 11, 2019. Respondent's request for continuance is hereby granted over the Department's objection.

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on June 5, 2019, at 11:00 Eastern Time at 311 West Washington Street, Suite 103, Indianapolis, Indiana 46204-2787, to determine whether the Indiana Department of Insurance is entitled to the relief requested in its Notice of Nonrenewal of License.

The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority regarding agent licensing is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Administrative Order Notice of Nonrenewal of License filed on January 4, 2019.

The Indiana Department of Insurance asserts that Respondent has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12. Specifically, Respondent submitted fraudulent life insurance applications, in violation of Indiana Code § 27-1-15.6-12(b)(8). In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:

Reuben B. Hill

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-2387

The Department of Insurance will be represented by its counsel, Erica J. Dobbs, who can be reached at:

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-5887

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code Section 4-21.5-3-24.

Dated: 5/20/19

Reuben B. Hill

Administrative Law Judge
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204-2787

David Kevin Lewis
9337 Woods Lake Drive
Indianapolis, IN 46278

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17057-AG18-1211-177

IN THE MATTER OF:)

David Kevin Lewis)
9337 Woods Lake Drive)
Indianapolis, IN 46278)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 703154)

FILED

MAR 08 2019

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF NEW HEARING

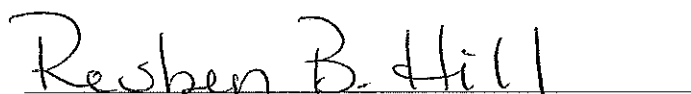
At Respondent's request, the hearing currently set on March 7, 2019 at 10:00a.m. is hereby continued.

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on May 8, 2019, at 10:00^{A.M.} Eastern Time at 311 West Washington Street, Suite 103, Indianapolis, Indiana 46204-2787, to determine whether the Indiana Department of Insurance is entitled to the relief requested in its Statement of Charges.

The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority regarding agent licensing is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Administrative Order Notice of Nonrenewal of License filed on January 4, 2019.

The Indiana Department of Insurance asserts that Respondent has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12. Specifically, Respondent submitted fraudulent life insurance applications, in violation of Indiana Code § 27-1-15.6-12(b)(8). In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:

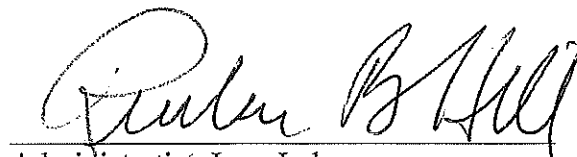

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 232-2387

The Department of Insurance will be represented by its counsel, Erica J. Dobbs, who can be reached at:

Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787
Telephone: (317) 234-5887

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code Section 4-21.5-3-24.

Dated: 3/8/19


Administrative Law Judge
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204-2787

David Kevin Lewis
9337 Woods Lake Drive
Indianapolis, IN 46278

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17057-AG18-1211-177

IN THE MATTER OF:)

David Kevin Lewis)
9337 Woods Lake Drive)
Indianapolis, IN 46278)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 703154)

FILED

FEB 26 2019

STATE OF INDIANA
DEPT. OF INSURANCE

NOTICE OF HEARING

Notice is hereby given, pursuant to Indiana Code § 4-21.5-3 *et seq.*, that an evidentiary hearing will be held on March 7, 2019, at 10:00 (A.M.) P.M. Eastern Time, at 311 West Washington Street, Suite 103, Indianapolis, Indiana, to determine whether to grant the Respondent's request for the renewal of resident producer's license.

The hearing will be conducted in accordance with the provisions of the Administrative Orders and Procedures Act, codified at Indiana Code § 4-21.5-3 *et seq.* The Commissioner's authority to refuse to renew an insurance producer's license is contained in Indiana Code § 27-1-15.6-12(b).

The issues to be resolved at the hearing are those described in the Administrative Order Notice of Nonrenewal of License filed on January 4, 2019.

The Indiana Department of Insurance asserts that Respondent has not fully met the requirements of licensure under Indiana Code § 27-1-15.6-6 and Indiana Code § 27-1-15.6-12. Specifically, Respondent submitted fraudulent life insurance applications, in violation of Indiana Code § 27-1-15.6-12(b)(8).

In accordance with Indiana Code § 27-1-15.6-34, the Administrative Law Judge in this matter is:

Reuben B. Hill

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-234-3520

The Department of Insurance will be represented by its counsel, Erica J. Dobbs, who can be reached at:

Indiana Department of Insurance
311 West Washington Street - Suite 103
Indianapolis, Indiana 46204-2787
Telephone: 317-234-5887

A party who fails to attend or participate in a pre-hearing conference, hearing or other later stage of the proceeding, may be held in default or have a proceeding dismissed under Indiana Code § 4-21.5-3-24.

Dated: 2/26/19

Reuben B. Hill
Administrative Law Judge
Indiana Department of Insurance

This Notice has been sent to:

David Kevin Lewis
9337 Woods Lake Drive
Indianapolis, IN 46278

Erica J. Dobbs, Attorney
ATTN: Taylor Peycha, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, IN 46204-2787

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 17057-AG18-1211-177

IN THE MATTER OF:)
)
David Kevin Lewis)
9337 Woods Lake Drive)
Indianapolis, IN 46278)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 703154)

FILED

JAN 04 2019

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance (“Department”), pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to David Kevin Lewis (“Respondent”) of the following Administrative Order:

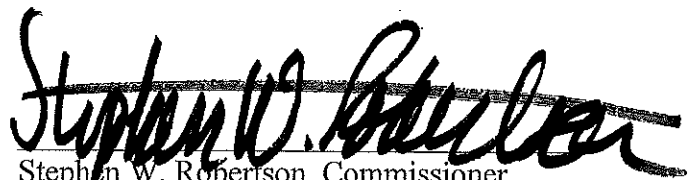
1. Respondent is a licensed resident insurance producer, holding license number 703154 since June 16, 2010.
2. Respondent’s license will expire on December 31, 2018.
3. On or about February 8, 2018, Indiana Department received a complaint against Respondent for issuing a life insurance policy without the consent of the insured.
4. Further investigation revealed that Respondent submitted applications for life insurance for three (3) separate individuals between September, 2017 and December, 2017, each listing the same person (“Beneficiary 1”) as the payer and beneficiary, and the relationship of the beneficiary to the insured as “fiancé.”

5. The Department received documentation from the original Complainant proving that Complainant and Beneficiary 1 were divorced on or about April 9, 2009.
6. Indiana Code § 27-1-15.6-12(b)(8) is an insurance law that states a producer shall not use fraudulent, coercive, or dishonest practices, or demonstrate incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
7. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.
8. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **Respondent's license shall not be renewed** due to his submission of fraudulent life insurance applications.

1-4-2019

Date Signed



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

David Kevin Lewis
9337 Woods Lake Drive
Indianapolis, IN 46278

Erica J. Dobbs, Attorney
ATTN: Taylor Peycha, Investigator
Indiana Department of Insurance
311 W Washington St., Suite 103
Indianapolis, IN 46204-2787